



American Association of
State Highway and
Transportation Officials

Wm. G. Burnett, P.E., President
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NOV 22 1995

November 15, 1995

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W., Room 239
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Dear Sir or Madam:

Enclosed are an original and nine copies of AASHTO's comments concerning PR Docket 92-235 concerning Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Radio Services.

Do not hesitate to so inform me should you have further comments or questions regarding this submittal.

Yours truly,


David J. Hensing
Deputy Executive Director

DJH:LAM:abm

Enclosures

cc: Alan Hull
Jack Stanton

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NOV 1 1995

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)

DOCKET FILE COPY ORIGINAL

Replacement of Part 90 by Part 88)
to Revise the Private Land Mobile)
Radio Services and Modify the)
Policies Governing Them)

and)
Examination of Exclusivity and)
Frequency Assignment Policies of)
the Private Land Mobile Radio)
Services)

PR Docket 92-235

Comments of the
American Association of State Highway and Transportation Officials

Special Committee on Communications

Alan Hull, Chairman

Before the
Federal Communications Commission
Washington, D.C. 20554

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Frequency Assignment Policies of)	
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the Private Land Mobile Radio Services)	

REPORT AND ORDER AND
FURTHER NOTICE OF PROPOSED RULE MAKING

To: The Commission:

COMMENTS

The American Association of State Highway and Transportation Officials (AASHTO) respectfully submits these comments in the Commission's Report and Order and Further Notice of Proposed Rulemaking in the above captioned proceeding.

AASHTO is the national association of the state departments of highways and transportation in the 50 states, the District of Columbia and Puerto Rico. Its scope includes all five principal transportation modes, and its major purpose is to foster the development, operation and maintenance of an integrated national transportation system.

AASHTO, through its Special Committee on Communications, has been involved in matters related to radio frequency communications and associated systems for more than 40 years. AASHTO serves as the Commission's certified frequency coordinator for the Highway Maintenance Radio Service. AASHTO is an active member of the Intelligent Transportation Society of America with membership of many ITSA committees including the ITSA Telecommunications Committee.

POSITION STATEMENT

AASHTO supports the Commission's goal in this proceeding, that is to develop an overall strategy for using spectrum in the PLMR allocations more efficiently to meet future communications requirements.

RADIO SERVICE CONSOLIDATION

AASHTO does not agree that the practice of interservice sharing has become more difficult to implement because it is time consuming, expensive, and burdensome. In fact the Commission itself states in paragraph 44 of PR Docket 92-235, "...as the need for spectrum has increased, the practice of interservice sharing has become more common in the PLMR environment". In fact, for the period from July 1, 1994 through June 30, 1995, AASHTO received and expeditiously processed a total of 1361 applications. Out of those, a total of 624 applications involved the assignment of Highway Maintenance (PH) frequencies. Of these, 377 were submitted by PH eligibles with 247 requests for the interservice sharing of PH frequencies. The fact that 44 % of assignments of PH frequencies were to non PH radio service eligibles tends to disprove the theory that "sharing" is too time consuming, expensive or burdensome.

The Commission established the current frequency coordination system with the release of PR Docket 83-737 on April 15, 1986. In choosing to certify only one coordinator per service the Commission indicated that, "...if multiple coordinators were involved in coordinations for a single service, it would be extremely difficult to keep track of the pending frequency selections of the various coordinators". The Commission also noted that the multiple coordinator system could result in coordinator shopping by applicants seeking a more favorable frequency assignment. It was also mentioned that without rigid guidelines on frequency selection, it was probable that different coordinators would recommend different frequencies. This result would not be consistent with the fundamental purpose of frequency coordination.

The Commission stated clearly that representativeness should be given the greatest weight in choosing the certified coordinator. The proposal to consolidate the existing radio services is in direct conflict with the concept of representative frequency coordination and could result in reduced protection to certain users to the benefit of others. If the Commission adopts rules which eliminate the current discrete radio services and eligibility requirements, it should also adopt rules which guarantee that all radio users receive equal and non-discriminatory service and protection from interference.

In the Further Notice of Proposed Rule Making, the Commission seeks comment on many issues related to promoting more efficient and effective use of the PLMR bands below 800 MHz. The idea of market-based incentives as an encouragement for users to employ equipment with greater spectrum efficiency is not suitable for Public Safety Organizations.

Public Safety radio systems are necessarily exclusive in their operation. They are utilized throughout their geographic area of operation by the governmental entities whose operations they support. These systems have, through frequency coordination, obtained a level of exclusivity. There are also circumstances whereby licensees have chosen to share systems with other similar entities for mutual aid type operations.

The concept of user fees for Public Safety Agencies would be an example of the Federal Government taxing state and local governmental entities. It would result in taking money from these agencies at a time when revenues are low and funds are needed to purchase new equipment in order to benefit from the proposed changes in technology.

Likewise, competitive bidding for spectrum is not feasible for governmental entities who must work with long budgetary cycles and the corresponding equipment amortization periods. Leasing of excess capacity is another concept which is not applicable for Public Safety agencies whose systems are routinely involved in critical operations protecting life and property. These systems rarely possess excess capacity. Legal constraints generally prohibit such agencies from selling services on the open market.

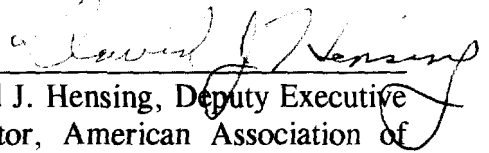
Public safety users should be exempt from any of the aforementioned market-based incentives.

CONCLUSION

The current system of representative frequency coordination has accomplished and continues to accomplish the goal of assisting the Commission in making the most appropriate choice in frequency assignments and should be retained.

AASHTO respectfully requests that the Commission consider and act favorably upon these comments as it proceeds with this important undertaking.

Respectfully submitted, American
Association of State Highway and
Transportation Officials, Special
Committee of Communications

By: 
David J. Hensing, Deputy Executive
Director, American Association of
State Highway and Transportation
Officials